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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,548

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William Roberts

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04/15/2009

Saul Ewing LLP (Philadelphia)

Attn: Patent Docket Clerk

2 North Second St.

Harrisburg, PA 17101

EXAMINER

TRUONG, LECHI

ART UNIT

PAPER NUMBER

2194

MAIL DATE

DELIVERY MODE

04/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,548	<b>Applicant(s)</b> ROBERTS, WILLIAM	
	<b>Examiner</b> LECHI TRUONG	<b>Art Unit</b> 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/28/06, 11/28/06, 01/22/09</u> .                            | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-9 are presented for the examination.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-9 directed to the method claims that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a 101 statutory process, the claim should be positively reciting the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps. Appropriate correction is required to add the computer performs the step of the methods.

#### ***Claim Rejections – 35 USC § 102***

3. Claim 1, 4, 5, 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Voellm (US 7100172 B2).

**As to claim 1**, Voellm teaches a link(linking , col 3, ln 50-55), a function in a dynamic link library(the DLL functions , col 3, ln 50-55), a computer device( remote server 210, col 3, ln 42-50), a link between an application program and a function in a dynamic link library of a

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computing device( col 3, ln 50-55), a remapping component(the additional dispatch table 404 is a copy [remapping]of the original dispatch table (314, see FIG. 3) generated by the loader 310[component], col 5, ln 35-37/loader 310, col 4, ln 63-67 to col 5, ln 1-3), providing a remapping component arranged to provide( col 5, ln 35-37 , col 4, ln 63-67 ), a call by the application ( call , col 5, ln 5-8), the function at an address location in a first dynamic link library(the addresses of each routine of each loaded DLL (e.g., 306, col 4, ln 65-67), in response to a call by the application program to link to the function at an address location in a first dynamic link library( col 4, ln 66-67/ col 5, ln 5-10), an address location for the function(The dispatch table 314 includes entries (e.g., 316). Each entry includes the resolved addresses for each of the routines of the loaded DLLs. The resolved addresses in dispatch table 314 effectively operate as pointers; col 4, ln 55-65/Processing examines the pointer 308 of initial.dll to locate the dispatch table that lists the address of routine2. Pointer 308 directs processing to updated dispatch table 402, col 2, ln 44-57), a further dynamic linking library( dispatch table 314, col 4, ln 55-65/ the dispatch table 402, col 5, ln 44-57), an address location for the function in a further dynamic link library( col 4, ln 55-56/ col 5, ln 44-57), so as to enable the application programme to link directly to the function in the further dynamic link library(processing examines the pointer 308 of initial.dll to locate routine2. Pointer 308 directs processing to updated dispatch table 402. Updated dispatch table 402 continues to effectively point to routine2 located in initial.dll 306. As a result, app.exe utilizes routine2 of initial.dll 306 to perform the function requested, col 6, ln 15-25).

**As to claim 4,** Voellm teaches the remapping component is arranged to provide the respective address locations of a plurality of functions in a plurality of further dynamic link

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libraries (col 4, ln 63-67 to col 5, ln 1-5).

**As to claim 5**, Voellm teaches providing a plurality of the remapping components between the first dynamic link library and the further dynamic link library (col 4, ln 63-67 to col 5, ln 1-5).

**As to claims 8-9**, they are apparatus claims of claim 1; therefore, they are rejected for the same reason as claim 1 above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voellm (US 7100172 B2) in view of Krueger (US 6874139 B2).

**As to claim 2**, Voellm does not explicitly teach teaches the address location of the function in the further dynamic link library is provided by inserting the address location into an export data table for the remapping component. However, Krueger teaches the address location of the function in the further dynamic link library is provided by inserting the address location into an export data table for the remapping component (the handle is also a mapped memory address of the executable code. Using the published specifications of the executable format and

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the structures contained therein, the impersonation system can locate the list of the DLLs, functions and subroutines, and "fixed-up" address locations of the placeholders for those functions. The impersonation process saves the original address information in an internal memory structure for future reference, and then substitutes the address of functions or subroutines in the import table with its own functions, col 6, and ln 60-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Voellm with Krueger to incorporate the feature of the address location of the function in the further dynamic link library is provided by inserting the address location into an export data table for the remapping component because this provides an ability to impersonate or masquerade as the application that enables the program of the invention to seamlessly add functionality to the application.

**As to claim 3**, Krueger teaches using a relocation instruction in the remapping component to insert the said address location into the export data table (col 6, ln 60-67).

6. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voellm (US 7100172 B2) in view of Hammond (US 5974470 A).

**As to claim 6**, Voellm does not teach the application program is arranged to link by ordinal number to the dynamic link library. However, Hammond teaches the application program is arranged to link by ordinal number to the dynamic link library(As noted by Windows expert Brian Livingston in the Sep. 2, 9 and 16, 1996 issues of InfoWorld, Microsoft and other vendors provide a number of shared DLLs with their applications, and different versions of these DLLs

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may have the same name . When a user installs a new application that also uses one of these DLLs the application may install a version of a DLL that is older or different than the one the other applications support. For example, Mr. Livingston states that the DLL called "OLE2NLS.DLL" is used by Microsoft Office 4.0, 4.2, 4.2c, 4.3, 4.3c, Microsoft Excell 5.0, 5.0c, Microsoft Word 6.0, 6.0a, 6.0c, Microsoft PowerPoint 4.0, 4.0c, Microsoft Project 4.0, and Microsoft Visual FoxPro 3.0 is Version 2.01, col 3, ln 9-20).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Voellm with Hammond to incorporate the feature of the application program is arranged to link by ordinal number to the dynamic link library because this provides multiple versions of the same-name DLL module, in order to enable several different applications to run at once.

**As to claim 7**, Hammond teaches the application program is arranged to link by name to the dynamic link library (col 3, ln 9-20).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272-3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai A can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

/LeChi Truong/

Examiner, Art Unit 2194

LeChi Truong

April 14, 2009